

KENTUCKY BOARD OF RESPIRATORY CARE

MINUTES

October 17, 2013

A meeting of the Kentucky Board of Respiratory Care was held at 5:35 p.m., on Thursday, October 17, 2013 at the KBRC offices, 163 W. Short Street, Lexington, KY.

MEMBERS PRESENT

Janet R. Vogt, BHS, RRT, Chair
Jeff W. Knight, RRT, Vice-Chair
Tina Siddon, RRT
Dr. Robert W. Powell
Dr. Matthew M. McIntosh

KBRC STAFF

Peggy Lacy Moore, Executive Director
Rick L. Rose, Administrative Assistant

OTHER

Cheryl Lalonde, AAG

Ms. Vogt called the meeting to order at 5:35 p.m., at 163 W. Short Street, Lexington, KY.

Minutes

Jeff Knight moved to approve the August 15, 2013 minutes; seconded by Tina Siddon. Motion carried unanimously.

Continuing Education

National Board of Respiratory Care Annual Licensure Meeting

Ms. Vogt, Ms. Siddon and Ms. Moore attend the annual NBRC meeting in Olathe, Kansas on September 20-22, 2013. The Board was apprised of information from the meeting.

KRS 314A Committee Update

Ms. Vogt told the Board the KSRC leadership met in Lexington in late September and discussed the need to amend the respiratory laws. Tamara McDaniel indicated the KSRC would not be prepared to amend the law until 2015. Mr. Knight voiced the need for this Board to go ahead to increase fees.

Old Business

Standards and Checklist set for Agreed Order Cases

The Board requested that a checklist be drafted for review at the next meeting. The checklist shall accompany each KYPRN Monitoring Agreement. Agreed Orders will not be approved in the future until a KYPRN Monitoring Agreement and checklist are signed by the practitioner.

The Board agreed that a maximum of one warning letter may be sent by certified mail and email. Any violation after one warning letter shall include a minimum six month suspension while a licensee demonstrates six months of continued sobriety and adherence to a KYPRN Monitoring Agreement/Board agreement.

One warning letter shall be sent for less serious violations of KYPRN Monitoring Agreements and Agreed Orders. Examples of less serious violations are:

- Two or less missed calls
- One late payment to KYPRN
- One late payment to First Lab
- One late KYPRN monthly report
- One late AA/NA meeting log

More serious violations of KYPRN Monitoring Agreements and Agreed Orders shall result in a minimum six month suspension while a licensee demonstrates six months of continued sobriety and adherence to a KYPRN Monitoring Agreement/Board agreement. Examples of serious violations are:

- Two or more missed calls
- A subsequent arrest
- Positive urine screen for prescription, illicit or over the counter drug
- Working while impaired
- Failure to report for a urine test

Complaints

Pursuant to KRS 61.810 (1) (c) and (j), Mr. Knight made a motion for the Board to go into closed session to discuss proposed or pending litigation and to deliberate regarding individual adjudications. The motion was seconded by Dr. McIntosh and carried unanimously.

Prior to coming out of closed session, Ms. Vogt asked the Board to reconsider the case of Tricia Dees. Ms. Vogt made a statement, recused herself from further discussion and left the room while the Board considered the case further. The Board reconsidered the Dees case and left its decision intact.

Mr. Knight moved to come out of closed session; seconded by Dr. Powell. Motion carried unanimously.

Agreed Orders – KYPRN Reporting Cases Compliant

Terry Clark

Mr. Fingerson reported Terry Clark is compliant. No action on the case.

Charlotte Dreux

Mr. Fingerson reported Charlotte Dreux is compliant. No action on the case.

Scotty D. Halsey

Mr. Fingerson reported Scotty Halsey is compliant. No action on the case.

Thomas W. Grant

Mr. Fingerson reported Thomas W. Grant is compliant. No action on the case.

Lisa A. Smith

Mr. Fingerson reported Lisa A. Smith is compliant. No action on the case.

Amy Lynn Golden

Mr. Fingerson reported Amy Lynn Golden is compliant. No action on the case.

Laura Thomas

Mr. Fingerson reported Laura Thomas is compliant. No action on the case.

Mary Marcia Fuller

Mr. Fingerson reported Mary Marcia Fuller is compliant. No action on the case.

April Dawn Hall

Mr. Fingerson reported April Dawn Hall is compliant. No action on the case.

Paul Sublett

Mr. Fingerson reported Paul Sublett is compliant. No action on the case.

Rodney Reynolds

Mr. Fingerson reported Rodney Reynolds is compliant. No action on the case.

Holly Shane Hall

Mr. Fingerson reported Holly Shane Hall is compliant. No action on the case.

FYI: Updates on Cases since April 18, 2013 Meeting

Gerald Pile

FYI. The Board approved the Recommended Order of Default Judgment and Final Order.

Shannon Keys

Mr. Knight made a motion to issue a \$250 fine and suspend the mandatory certificate until she can demonstrate six (6) months of continued sobriety through KYPRN; seconded by Dr. McIntosh. Motion carried unanimously.

Tricia Dees

Mr. Knight made a motion to issue a \$250 fine and suspend the mandatory certificate until she can demonstrate six (6) months of continued sobriety through KYPRN; seconded by Dr. McIntosh. Motion carried unanimously.

Daniel C. Batsche

FYI. The Board approved the Recommended Order of Default Judgment and Final Order.

Leslee N. Ballard

FYI. The Board approved the Recommended Order of Default Judgment and Final Order.

Bryan Cox

FYI. The Board approved the signed Agreed Order of Suspension and Future Reinstatement; the motion was seconded by Dr. McIntosh and passed unanimously.

John N. Nethery

Mr. Knight made a motion to approve the Agreed Order of Surrender as Revoked; the motion was seconded by Dr. McIntosh and passed unanimously.

Timothy Barton

Mr. Knight made a motion to continue the Timothy Barton case pending his returned Agreed Order; seconded by Dr. McIntosh and passed unanimously.

Amiee Bush

Jeff Knight made a motion to approve the Agreed Order for Amy Bush and cancel the hearing set for October 17, 2013 at 9:00 a.m., EST. The motion was seconded by Dr. Powell and passed unanimously.

Stanley Fields

Jeff Knight made a motion to continue the case pending another prehearing telephone conference set for Friday, October 18, 2013. The Board will conduct a hearing on November 7, 2013 unless the Hearing Officer issues a Recommended Order of Default Judgment before that date. The motion was seconded by Dr. McIntosh and passed unanimously.

Complaint Cases with Agreed Orders & KYPRN – Updates or Action Needed

Complaint Cases:

A. Jason Perdue

Mr. Knight made a motion to contact Brian Fingerson to see if Mr. Perdue has been compliant with his KYPRN since the last report. If Mr. Perdue has been compliant there's no reason to take disciplinary action at this time. Since Mr. Perdue wishes to discontinue his KYPRN program to attend medical school, the Board will issue an Agreed Order of Surrender as Revoked with the ability to reinstate in the future; seconded by Dr. Powell. Motion carried unanimously. Ms. Vogt recused from the vote.

B. Renaissance Medical

Jeff Knight made a motion to dismiss the complaint against Renaissance Medical, LLC, without prejudice. The motion was seconded by Dr. Powell and passed unanimously.

C. John A. Beck

Jeff Knight made a motion that the original Agreed Order stands or the Board will launch an investigation. The Board will not adopt his proposal to change the Agreed Order. The motion was seconded by Dr. Powell and passed unanimously.

D. Eric Harmon

Jeff Knight made a motion for Eric Harmon to receive a new Agreed Order with standard terms for impairment along with a checklist he must sign and submit that will be reviewed at the next meeting before his license will be reinstated or his Agreed Order will be approved. Mr. Harmon will not be given a warning if he does not meet requirements on his new Orders because he has been under terms of a similar order before and should understand what is required of him. The motion was seconded by Dr. Powell and passed unanimously.

E. Olivia Lee Adams

Jeff Knight made a motion to dismiss the case without prejudice with instructions that she cannot automatically renew her licensure until her case comes before the Board. The motion was seconded by Dr. Powell and passed unanimously.

F. Ernestine P. Moser

Jeff Knight made a motion to send an Agreed Order to Ernestine P. Moser to revoke her license. The motion was seconded by Dr. Powell and passed unanimously.

Announcements

The next meeting is a special meeting set for Tuesday, November 26, 2013, at 5:30 p.m., at the KBRC offices, 163 W. Short Street, Lexington, KY. Mr. Knight's term expires October 31, 2013. Mr. Knight has served the Board for the last six years and his contributions to the KBRC will be missed by the staff and members.

Application Review

A motion was made by Dr. Powell to accept all 38 applications since the last meeting; seconded by Tina Siddon. Motion carried unanimously.

The following **Student applications (10)** were approved:

Jamie Claeys, Melissa Hampton, Brittany Haynes, Holley Johnson, Bridget Horter, Chelsea Kindel, Casey McKee, Taylor Shafferman, Dana Thorton and Vivian Ware.

The following **Temporary applications (1)** were approved:

Jeffrey A. Hobbs.

The following **NBRC applications (16)** were approved:

Sherry Baugh, Virginia Briggs, Michael Cahal, Kiley Graham, Sierra Jones, Baylie Judy, Malcolm Lujan, Dana Morris, Barbara Nitrio, Britney Silvers, Danielle Stafford, Jessica Taylor, Ashton Willett, Tara Wenzel, Danielle Witt and Brandon Wooton.

The following **Reciprocity applications (11)** were approved:

Lisa Cordle, Jody Delp, Tamara Groos, Wesley Hammacker, Chauntae Howe, Janice Shellhorn, Bridget Skinner, Sherri Stickler, Ann Ritucci-Griggs, Tonya Thomas.

Approval of Per-diem, Compensation, Travel and Honoraria

A motion was made by Ms. Siddon, and seconded by Dr. Powell, to approve the payment of per diem, compensation and travel for Board members. Motion carried unanimously.

Ms. Siddon made a motion to adjourn the meeting at 9:15 p.m.; seconded by Dr. Powell. Motion carried unanimously.

Janet R. Vogt, BHS, RRT, Chair
KY Board of Respiratory Care